



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

L 009

EPA Region 5 Records Ctr.



243340

APR 21 1994

REPLY TO THE ATTENTION OF  
HSE-5J/EERB

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Edith M. Ardiente, P.E.  
Director, Environmental Affairs  
Navistar International Transportation Corp.  
455 North Cityfront Plaza Drive  
Chicago, IL 60611

Re: International Harvester Site  
1015 West 120th Street, Chicago, Illinois  
General Notice of Potential Liability

Dear Ms. Ardiente:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Conduct an extent of contamination survey (EOC) including test core sampling of soils beneath concrete and wood foundations, and air monitoring of the entire site environs to determine the boundaries and magnitude of potentially hazardous materials and substances subject to off-site migration and airborne dispersal.

2. Conduct a complete site safety inspection addressing all open holes, manway accesses, impoundments, security fence breeches, and other physical hazards within and throughout the site.
3. Sample, containerize and/or bulk and prepare for disposal compatible waste streams for shipment to approved and appropriate waste disposal facilities.
4. Secure the site and prepare weekly progress reports for U.S. EPA review and comment.

U.S. EPA has received information that Navistar is the current owner of the subject facility. By this letter, U.S. EPA notifies Navistar of its potential liability with regard to this matter and encourages Navistar, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Carol Graszer-Ropski  
U.S. EPA - Region V  
Emergency Support Section HSE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

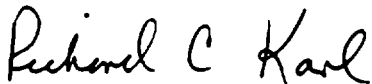
If U.S. EPA does not receive a timely response, U.S. EPA will assume that Navistar not wish to negotiate a resolution of its potential responsibility in connection with the facility and that Navistar declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

As we have discussed, representatives of U.S. EPA will be meeting with you at U.S. EPA's offices in Chicago on Monday, April 25, to discuss this matter. We look forward to seeing you then.

If you need further information regarding this letter, you may contact John Breslin, of the U.S. EPA Office of Regional Counsel at (312) 886-7165.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard C. Karl".

Richard C. Karl, Chief  
Emergency & Enforcement Response Branch

bcc: John Breslin, ORC, (CS-3T)  
Paul Steadman, OSC, (HSE-5J)  
Jose Cisneros, ESS, (HSE-5J)  
Carol Graszer, ESS, (HSE-5J)  
Toni Lesser, Public Affairs, (P-19J)  
Don Henne, Department of Interior  
Alicia Corley, SETS, (OS505)  
Tony Audia, Accounting, (MF-10J)  
EERB Site File  
EERB Read File  
Oliver Warnsley, RP-CRU (HSM-5J)